IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.808 OF 2004
IN
WRIT PETITION NO.2311 OF 2004

Kishore Bhanji Somaiya .. Appellant.
V/s.
The Municipal Corpn. of
Greater Mumbai & Ors. .. Respondents.

Mr.J.P.Cama, senior counsel i/b. M/s.S.Udeshi & Co. for the appellant.
Mr.K.K. Singhvi, Senior Counsel with Vinod Mahadik i/b. S.N. Ujjainwala for respondent No.1 - B.M.C.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 23RD DECEMBER, 2004.

P.C. :

Heard.

2. Rule. Returnable forthwith.

3. The advocate on record for respondent Nos.1 to 3 waives service.

4. By consent rule is treated on board for final hearing at this stage.

5. In the light of the order passed by us today in Notice of Motion No.3702 of 2004 in Appeal No.801 of 2004, we are satisfied that the appeal may be disposed of by the following order :

i) The respondent Nos.1 to 3 shall not take any steps in recovery of the

amount on the basis of the revised enhanced assessment until disposal of the writ petition No.2311 of 2004, if the appellants herein (original writ petitioners) file an undertaking in the writ petition within four weeks from today that in the event of writ petition being dismissed and the revised enhanced assessment being sustained by the learned single Judge, they would pay to the respondent Nos.1 to 3, the amount of revised enhanced assessment within three months of the decision in the writ petition unless ordered otherwise in appeal that may be filed against the said order.

ii) It is further directed that though the attachment of the subject property may continue, the respondents shall not take any steps for sale of the attached property.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)